UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Eclisero Pano-Gonzalez AKA: Enrique Pano-Gonzalez** Defendant.	Magistrate Case No. '08 MJ 2311 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **December 25, 2007,** within the Southern District of California, defendant, **Eclisero Pano-Gonzalez AKA: Enrique Pano-Gonzalez**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **JULY, 2008.**

UNITED STATES MAGISTRATE JUDGE

C-FN

PROBABLE CAUSE STATEMENT

On December 25, 2007, a police officer with the San Diego Police Department arrested the defendant, Eclisero Pano-Gonzalez AKA: Enrique Pano Gonzalez, for violation of Penal Code 422, "Prevent/Dissuade Witness/Victim with Force/Threat". An Immigration Enforcement Agent subsequently interviewed the defendant in County jail and placed a Form I-247 (Immigration Detainer) after determining he was a citizen and national of Mexico, and unlawfully present in the United States.

On July 28, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. Immigration computer database records' checks and a review of the defendant's Alien Registration File identified him as a national of Mexico having been previously deported from the United States to Mexico. The defendant was most recently ordered deported from the United States by an Immigration Judge on or about October 9, 2007, and removed to Mexico on October 9, 2007, via the San Ysidro, CA Port of Entry. Records checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Eclisero Pano-Gonzalez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per Miranda. The defendant acknowledged those rights and elected to answer questions without counsel present. The defendant stated his true name is Eclisero Enrique Pano-Gonzalez, and he is a citizen of Mexico by birth in Guerrero, Mexico. The defendant admitted he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States lawfully. He also admitted he did not apply for a waiver of removal or deportation to re-enter the United States. He stated he knew it was against the law to enter illegally after having been deported.